

## Re: A request for an interpretation of BPC sections 6731(e) and 6734 in re engineering reports prepared as part of the BID formation process

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**Subject:** Re: A request for an interpretation of BPC sections 6731(e) and 6734 in re engineering reports prepared as part of the BID formation process  
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[REDACTED]

Ms. Criswell has kept me in the loop on this request and it is being researched. However, until we can gather sufficient information on the laws and processes inherent to how engineering is or is not involved in these matters, we cannot provide a timeframe for response. Until we can, all we can state at this time is that if the practice of engineering is required in the process for what you have described, then a license is most likely required, which does not mean that a licensed engineer is required to be in responsible charge of the entire process.

I have noted that you seem to be aware of "engineering reports" that contain "serious mathematical errors" and "use the wrong method". If that is the case, then no amount of waiting on us to provide a response will benefit you more so than you simply filing a complaint on that engineering practice with our Board and providing the details of what you know. While your inquiry is important to us, addressing submitted complaints is operationally considered a higher priority for our Board.

Thank you for contacting us,

Ric Moore  
Executive Officer

Sent from my iPhone

On Apr 13, 2018, at 3:50 PM, [REDACTED] wrote:

Good afternoon, Mr. Moore, Ms. Mathieson.

I'm writing to ask the Board to consider taking on a serious issue, which has to do with whether civil engineers who prepare reports required for the formation of business improvement districts ("BIDs") by both the Property and Business Improvement District Act (Streets and Highways 36601 et seq.) and Proposition 218 are engaged in the practice of engineering under the BPC at sections 6731(e) and 6734.

Hitherto, it seems, your agency has not considered that they were so engaged, but I think there's a substantial argument that they actually are. Note that I've discussed this at some length with Ms. Criswell, CC-ed here, but the conversation seems to have lapsed. The whole discussion is appended below for your convenience.

The issue is that BPC 6731(e) states in pertinent part that: "Civil engineering embraces the following studies ... in connection with ... municipal improvements ... : The preparation of ... engineering reports."

The Streets and Highways Code at 36601(c) states that one purpose of BIDs is to provide improvements. Clearly these are municipal improvements because they're arranged for by municipalities. And section 36622(n) requires the preparation of an engineering report.

This matter is important because the engineer's report is supposed to ensure that the boundaries and assessment methodologies of BIDs are rational. So often, though, even though the reports are prepared by licensed engineers, they contain e.g. serious mathematical errors such as using the wrong method for calculating standard deviation, and internal inconsistencies.

[REDACTED]